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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/639,912

08/16/2000

Greg Alan Bengault

7784-000129

3577

65961 7590 12/22/2009  
HARNESS DICKEY & PIERCE, PLC  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

12/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* GREG BENGEULT, JEFFREY HARRANG, WILLIAM  
RICHARDS, MICHAEL LYNCH, MICHAEL CHAPELLE and  
PAULUS MARTENS

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Application No. 09/639,912  
Technology Center 2400

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Mailed: December 22, 2009

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Before TOI JOHNSON *Review Paralegal*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 14, 2009. A review of the application revealed that it is not ready for docketing as an appeal.

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Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

#### AMENDMENT AFTER FINAL

A review of the file indicates that on March 16, 2009, Appellant filed an Amendment After Final in response to the Final Rejection mailed January 28, 2008. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed indicating whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

#### NOTICE OF ABANDONMENT

A Notice of Abandonment was mailed on March 20, 2009. In response Appellant filed a "Letter" on June 1, 2009 requesting that the abandonment be withdrawn. However, there is no indication that the Examiner has responded to the request. Appropriate correction is required.

#### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) appropriately respond to the Amendment After Final;
- 2) appropriately vacate the Notice of Abandonment; and

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3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the  
Board of Patent Appeals and Interferences at 571-272-9797.

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